

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION

4 UNITED STATES OF AMERICA .
5 VERSUS . Criminal Action
6 KHALID ABDULAZIZ and . No. H-20-CR-26-4
7 GUILLERMO GOMEZ-LAZCANO, . No. H-20-CR-26-15
8 Defendant. . Houston, Texas
9 . . April 6, 2022
10 . . 9:03 a.m.
11 . .
12 . .

10 TRANSCRIPT OF PROCEEDINGS

11 BEFORE THE HONORABLE GREGG COSTA

12 REARRAIGNMENTS

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25 PROCEEDINGS RECORDED BY STENOGRAPHIC MEANS,
TRANSCRIPT PRODUCED FROM COMPUTER-AIDED TRANSCRIPTION

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(continued)

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1 PROCEEDINGS

2 April 6, 2022

3 THE COURT: All right. We have two guilty pleas this
4 morning. I'm going to do them together. I know there's
09:03:40 5 different charges. When we get to that part, it will,
6 obviously, be different.

7 The case number is 20-26. It's United States
8 versus Khalid Abdulaziz and versus Guillermo Gomez-Lazcano.

9 Who do we have for the United States?

09:03:59 10 MS. STABE: Jennifer Stabe and Lisa Collins for the
11 United States.

12 THE COURT: All right. Welcome.

13 And for Mr. Abdulaziz?

14 MR. AKERS: Cordt Akers and Derek Hollingsworth for
09:04:11 15 Khalid Abdulaziz.

16 THE COURT: Abdulaziz, is that how you say it?

17 MR. AKERS: Abdulaziz.

18 THE COURT: Abdulaziz?

19 MR. AKERS: Yes, your Honor.

09:04:23 20 THE COURT: And who do we have for Mr. Gomez-Lazcano?

21 MR. ORTIZ: Jimmy Ortiz, your Honor.

22 THE COURT: All right.

23 All right. Is that Mr. Abdulaziz?

24 MR. HOLLINGSWORTH: Yes, sir. Yes, your Honor.

09:04:32 25 THE COURT: All right. Let's --

1 MR. HOLLINGSWORTH: How would you like everybody to
2 stand?

3 THE COURT: Well, whatever works. We got the
4 translator here. Yeah. Can you -- great. Yeah. And then --
09:04:41 5 perfect.

6 MR. HOLLINGSWORTH: Is that okay, your Honor?

7 THE COURT: Sure.

8 The one problem is -- yeah. Is there a mike to
9 get him close to?

09:04:54 10 MR. HOLLINGSWORTH: We can get him up here.

11 THE COURT: Yeah, that's good.

12 Just speak loudly, Mr. Abdulaziz.

13 All right. Good morning, Mr. Abdulaziz. How are
14 you?

09:04:59 15 DEFENDANT KHALID ABDULAZIZ: Fine, thank you.

16 THE COURT: All right.

17 And Mr. Gomez-Lazcano, good morning.

18 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Good morning.

19 THE COURT: All right. I understand you both want to
09:05:07 20 plead guilty this morning, and I'm going to ask -- I'm going to
21 ask these questions. We'll have Mr. Abdulaziz answer first and
22 then Mr. Gomez.

23 Is that correct that you want to plead guilty?

24 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:05:21 25 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

1 Yes, sir.

2 THE COURT: Okay. Before I can accept your guilty
3 pleas, I need to be sure about a number of things. I need to
4 make sure you understand what your case is about, what you're
09:05:33 5 charged with.

6 I want to make sure you understand the
7 consequences of pleading guilty. I want to make sure you know
8 the rights you're giving up if you plead guilty. And then,
9 finally, I have to make sure that you are, in fact, guilty of
09:05:48 10 what the Government says you did.

11 So, I'm going to ask you a number of questions to
12 figure those things out. Some of them may seem simple or
13 strange, but I'm trying to figure out all those things.

14 So, the first thing, let's get you sworn in.

09:06:06 15 Mr. Guajardo, if you can swear them in.

16 THE CASE MANAGER: Raise your right hands.

17 (Defendant Khalid Abdulaziz was sworn.)

18 (Defendant Guillermo Gomez-Lazcano was sworn and testified
19 through an interpreter.)

09:06:21 20 THE COURT: All right. So, now that you're under
21 oath, if you say anything false, you can be subject to
22 prosecution for that. So, we need your honest answers this
23 morning.

24 Why don't we start off, just tell me your full
09:06:35 25 name.

1 DEFENDANT KHALID ABDULAZIZ: Khalid Abdulaziz.

2 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Guillermo

3 Gomez-Lazcano.

4 THE COURT: How old are you?

09:06:44 5 DEFENDANT KHALID ABDULAZIZ: 34.

6 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.) 26.

7 THE COURT: How far did you get in school?

8 DEFENDANT KHALID ABDULAZIZ: Completed a bachelor's
9 degree.

09:06:54 10 THE COURT: Where was that from?

11 DEFENDANT KHALID ABDULAZIZ: U of H -- University of
12 Houston.

13 THE COURT: Sure.

14 DEFENDANT KHALID ABDULAZIZ: And one year of law
09:07:02 15 school.

16 THE COURT: Okay. Where was that?

17 DEFENDANT KHALID ABDULAZIZ: South Texas College of
18 Law.

19 THE COURT: Okay. Decided the law wasn't for you?

09:07:08 20 DEFENDANT KHALID ABDULAZIZ: Yeah. I didn't do very
21 good in school. Yes, sir. Yes, your Honor.

22 THE COURT: Mr. Gomez-Lazcano.

23 DEFENDANT GUILLERMO GOMEZ-LAZCANO? (In English.)
24 Yes, sir.

09:07:11 25 THE COURT: How far did you get in school?

1 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

2 Ninth.

3 THE INTERPRETER: Ninth.

4 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

09:07:14 5 Nine years.

6 THE COURT: Okay. Where was that?

7 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

8 Here in Houston.

9 THE INTERPRETER: Here in Houston.

09:07:17 10 THE COURT: Okay. Was it in Aldine? I know a lot of
11 the Defendants here were in Aldine, a bunch of them.

12 DEFENDANT GUILLERMO GOMEZ-LAZCANO: HISD.

13 THE INTERPRETER: HISD.

14 THE COURT: Oh, HISD. Okay.

09:07:31 15 All right. Have you ever been treated for
16 addictions to drugs or alcohol?

17 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

18 DEFENDANT GUILLERMO GOMEZ-LAZCANO? (In English.)

19 Yes.

09:07:38 20 THE COURT: Tell me about that.

21 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

22 Alcohol.

23 THE INTERPRETER: Alcohol.

24 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.) And

09:07:45 25 smoke cigarettes.

1 THE INTERPRETER: And smoke cigarettes.

2 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

3 That's it.

4 THE INTERPRETER: That's it.

09:07:52

5 THE COURT: So, you used alcohol and cigarettes. What
6 I'm wondering is have you ever been treated, gone to see someone
7 because of a problem with alcohol?

8 DEFENDANT GUILLERMO GOMEZ-LAZCANO: No. I never had a
9 problem.

09:08:01

10 THE COURT: Okay. But you used them, okay.

11 Have you ever been treated for any mental
12 illness?

13 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

14 DEFENDANT GUILLERMO GOMEZ-LAZCANO? (In English.) No,
15 sir.

09:08:11

16 THE INTERPRETER: No, sir.

17 THE COURT: And as we're here this morning, are you
18 under the influence of any alcohol, drugs, or medications?

19 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

09:08:17

20 DEFENDANT GUILLERMO GOMEZ-LAZCANO? (In English.) No,
21 sir.

22 THE INTERPRETER: No, sir.

23 THE COURT: Have you reviewed in this case the
24 indictment, which is the charges against you?

09:08:23

25 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

1 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

2 THE COURT: And have you discussed that with your
3 attorney?

4 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:08:29 5 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

6 THE COURT: Are you generally pleased with the work
7 your attorney has done on this case?

8 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

9 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:08:48 10 THE COURT: Now, you told me you wanted to plead
11 guilty. But until the end of this hearing when I ask you to
12 officially plead guilty, do you understand you still have the
13 right to go to trial in this case?

14 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:08:59 15 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

16 THE COURT: Okay. And if you go to trial in this
17 case, if you exercise that right, 12 members of the community
18 would be sworn in as jurors; and each and every one of them
19 would have to find you guilty beyond a reasonable doubt.

09:09:16 20 Do you understand that?

21 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

22 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

23 THE COURT: And if you went to trial, your attorneys
24 would be able to cross-examine any witnesses the Government
09:09:26 25 brought in to testify. I would issue subpoenas to bring into

1 court anyone who you think could help you defend the case. And
2 you wouldn't have to but you would have the right to testify in
3 your own defense if you wanted to.

4 Do you understand that if you went to trial, you
09:09:48 5 would have all those rights in this case?

6 DEFENDANT KHALID ABDULAZIZ: Yes, sir.

7 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

8 THE COURT: And you'd have the right to have an
9 attorney present; and if you couldn't afford one, the Government
09:09:56 10 would provide you with that attorney throughout the case.

11 Do you understand that?

12 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

13 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

14 THE COURT: And you understand if you go forward this
09:10:04 15 morning with this guilty plea, you're giving up all those rights
16 as well as others you'd have at a trial?

17 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

18 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

19 THE COURT: Also, if you go forward with this guilty
09:10:15 20 plea today, you're giving up your right to complain to a Court
21 about how the Government investigated your case. So, if you
22 think the Government conducted an illegal search or took a
23 statement from you in violation of your rights, if you plead
24 guilty this morning, you're not going to be able to challenge
09:10:38 25 that in court.

1 Do you understand that?

2 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

3 DEFENDANT GUILLERMO GOMEZ-LAZCANO: That's right, sir.

4 THE COURT: Okay. You're each pleading guilty to a
09:10:54 5 number of offenses which we're going to talk about more
6 specifically. But for right now, I just want to make sure that
7 you understand that the crimes you're pleading guilty to are
8 felonies.

9 Do you understand that?

09:11:06 10 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

11 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

12 THE COURT: And when you're convicted of a felony, you
13 lose a number of valuable civil rights, like the right to vote;
14 the right to serve on a jury; the right to run for office; and
09:11:18 15 pretty relevant to this case, the right to possess firearms.

16 Do you understand if you go forward with these
17 guilty pleas today and become convicted of a felony, you're
18 going to lose all those civil rights?

19 DEFENDANT KHALID ABDULAZIZ: Yes, sir.

09:11:29 20 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

21 THE COURT: There are also potential immigration
22 consequences for felony convictions. I'm not the immigration
23 judge. I don't control that.

24 I do see it says --

09:11:43 25 Mr. Gomez-Lazcano, the information I have is that

1 you are not a United States citizen. I'm not here to decide any
2 of that. Like I said, that's for a different judge and
3 different courts.

4 What I'm worried about today is making sure you
09:11:58 5 understand that pleading guilty could impact your immigration
6 status in the United States, whatever that status may be.

7 Do you understand that?

8 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

9 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:12:17 10 THE COURT: All right. So, we talked about those
11 consequences of pleading guilty to a felony. I now want to talk
12 about the punishment you're facing for these charges.

13 I'll start with Mr. Abdulaziz. You're pleading
14 guilty to six counts, I believe.

09:12:51 15 Is that correct, Ms. Stabe?

16 MS. STABE: Yes, your Honor.

17 THE COURT: And they're all of the same crime, aiding
18 and abetting a false statement during the purchase of a firearm.
19 The punishment for each one of those is up to five years and a
09:13:12 20 fine of up to \$250,000.

21 Also, after your -- any prison time, after your
22 release, you'd be facing up to three years of supervised release
23 which means you're released from prison but you're under Court
24 supervision. There's a number of restrictions. And then,
09:13:28 25 you're also having to forfeit all the firearms involved in the

1 offense.

2 Do you understand those are the penalties you're
3 facing for this?

4 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:13:37 5 THE COURT: Now, for Mr. Gomez-Lazcano, you have a
6 number of different -- you have five -- wait, one, two --

7 Four counts he's pleading guilty to; is that
8 correct, Ms. Stabe?

9 MS. STABE: Yes, your Honor.

09:13:55 10 THE COURT: Two of them are aiding and abetting an
11 alien being in possession of a firearm. For that crime, you
12 face up to ten years in prison for each count and up to a
13 \$250,000 fine.

14 And then, after being released from prison, you
09:14:13 15 can face up to three years of supervised release, again, as I
16 explained, meaning you're under a number of restrictions. And
17 then, you're also facing forfeiture of the firearms.

18 Do you understand those are the penalties you
19 face for the two counts of alien in possession of a firearm?

09:14:35 20 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

21 THE COURT: Okay. Then, you have another count, Count
22 21, conspiring to possess with intent to distribute a controlled
23 substance. And for that one, it's the same penalty of up to ten
24 years in prison; but the fine can be up to \$10 million; and the
09:14:53 25 supervised release can be up to five years.

1 Do you understand that's what you face on the
2 drug count?

3 MS. STABE: Your Honor, I'm sorry to interrupt.

4 THE COURT: All right.

09:15:00 5 MS. STABE: It's imprisonment of not less than ten
6 years or more than life. It's ten to life.

7 THE COURT: Sorry. I misread that. Thank you for
8 that correction.

9 So, that's important. The other one -- the two
09:15:12 10 gun crimes had zero-to-ten years, maximum of ten. This one has
11 ten as the bottom -- it's the minimum -- and up to life. And
12 then, a fine of up to \$10 million and supervised release of, at
13 least, five years.

14 Do you understand on the drug charge that's what
09:15:27 15 you're facing?

16 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

17 THE COURT: All right. And then, the final count is
18 possession of a machine gun. Okay. And that one is the one
19 that is the same as the other gun charges, which is up to ten
09:15:41 20 years, fine of up to \$250,000, and up to three years of
21 supervised release; plus, the forfeiture of the gun.

22 Do you understand that's your penalty for the
23 machine gun count?

24 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:15:59 25 THE COURT: Okay. And I'll ask both of you. For each

1 of these counts, you're also facing hundred dollar special
2 assessment.

3 Do you understand that?

4 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:16:08 5 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

6 THE COURT: Now, those are -- so, those are the
7 general ranges you can be punished for. But that's a big range,
8 right, zero to ten or ten to life? That's -- those are big
9 ranges.

09:16:26 10 So, to help me figure out where within those
11 ranges you should be sentenced, I have to consult something
12 called the federal Sentencing Guidelines. I thought I had the
13 book up here. I don't. But there's a big book called the
14 Sentencing Guidelines manual.

09:16:41 15 Have you discussed the Sentencing Guidelines with
16 your lawyer?

17 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

18 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

19 THE COURT: And those are going to get calculated on
09:16:47 20 your case. At your sentencing hearing, I'll decide what those
21 guidelines should be. And once they're calculated, I have to
22 give a lot of weight to what those guidelines recommend; but I'm
23 not required to follow the guidelines.

24 If I think there's a good reason to do so, I can
09:17:07 25 sentence you lower or higher than the guidelines. I just can't

1 go below those other maximums I just read. Like, I can't go
2 above the zero to ten years for the gun counts.

3 Do you understand that the guidelines have to be
4 looked at by me and given consideration but I'm not required to
5 follow them?

09:17:28

6 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

7 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

8 THE COURT: And I'm -- I assume your lawyers gave
9 their best guess about what your guideline range would look
10 like. But as we stand here in court this morning, no one knows
11 for sure what your guidelines will be. I don't know, the
12 prosecutor doesn't know, your lawyers don't know.

09:17:39

13 And if their best guess turns out to be wrong and
14 the guidelines are higher than your lawyers thought, you're not
15 going to then be able to say, "Oh, well, now I want to get out
16 of my guilty plea."

09:17:59

17 Do you understand that?

18 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

19 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

20 THE COURT: You've both entered into plea agreements
21 it's my understanding. Up to now, we've just been talking about
22 pleading guilty. But now, I want to talk about the plea
23 agreements.

09:18:09

24 Ms. Stabe, let's start with Mr. Abdulaziz. If
25 you want to summarize the key terms of the agreement with

09:18:25

1 Mr. Abdulaziz.

2 MS. STABE: Yes, your Honor. The Defendant is
3 agreeing to plead guilty to Counts 1, 5, 6, 8, 10, and 11 of the
4 indictment; and he's agreeing to forfeit all of the items listed
09:18:39 5 in the superseding indictment and the preliminary order of
6 forfeiture.

7 And the Government agrees to dismiss Counts 2, 7,
8 9, 12, 13, 14, and -- it, actually, should also read, your
9 Honor, 16 at the time of sentencing. We also agree to not
09:18:58 10 further criminally prosecute the Defendant for offenses arising
11 from the conduct charged in the indictment; and we are going to
12 agree to request that the Court run the sentences concurrently
13 instead of consecutively at the time of sentencing.

14 THE COURT: Okay. I know it's a long document,
09:19:18 15 Mr. Abdulaziz. There's a lot of parts to it. But is that your
16 understanding of the major terms of the agreement?

17 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

18 THE COURT: Okay. I want to talk about one of the
19 provisions which is paragraphs 5 and 6. You're waiving your
09:19:43 20 right to appeal the sentence or to collaterally attack your
21 conviction.

22 Now, just by pleading guilty, even if you didn't
23 have that waiver, that, generally, means you can't then appeal
24 your guilt because you're admitting to your guilt. But usually,
09:20:01 25 you could appeal your sentence.

1 But as part of the agreement, you're waiving your
2 right to appeal the sentence except with a couple -- an
3 exception or two that is listed in the agreement.

4 Do you understand that, generally, you're not
09:20:16 5 going to be able to appeal the sentence and whatever sentence I
6 give you you're going to be stuck with?

7 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

8 THE COURT: And then, a collateral attack, it's kind
9 of a fancy word. It just means that people usually have the
09:20:32 10 right after their case is over to file something in court saying
11 there was a constitutional problem with their whole conviction
12 and their conviction should be thrown out and their case should
13 start over again.

14 You understand you're also waiving your right to
09:20:49 15 file one of those?

16 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

17 THE COURT: The Government's recommending that I run
18 the sentences concurrently which means whatever the sentence is
19 on each count, they won't be stacked on top of each other. So,
09:21:07 20 just hypothetically speaking, if each count were two years,
21 you'd just do the two years. It wouldn't be five -- it wouldn't
22 be five times two. It wouldn't be ten years.

23 What I want to ask you about today, though, is
24 you understand that's just a recommendation by the Government;
09:21:20 25 and I'm not bound to follow what they recommend?

1 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

2 THE COURT: And so, if I say, for whatever reason, I
3 don't agree with the Government, I'm not going to follow that
4 recommendation, you're not going to be able to then say you want
09:21:32 5 to get out of your guilty plea.

6 Do you understand that?

7 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

8 THE COURT: The Government agrees that they're not
9 going to prosecute you for any other crimes arising out of this
09:21:50 10 series of events. But that is -- that's only binding on this US
11 Attorney's Office.

12 Do you understand that?

13 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

14 THE COURT: All right. Let's turn to
09:22:04 15 Mr. Gomez-Lazcano's plea agreement.

16 Do you want to summarize that, Ms. Stabe.

17 MS. STABE: Yes, your Honor. The Defendant is
18 agreeing to plead guilty to Count 17, Count 19, Count 21, and
19 Count 29 of the indictment; and the Government is agreeing that
09:22:20 20 if the Defendant qualifies for an adjustment under Section
21 3E1.1(a) of the United States Sentencing Guidelines, the United
22 States will move under Section 3E1.1(b) for an additional
23 one-level reduction because the Defendant timely notified the
24 Government of his intent to plead guilty.

09:22:37 25 The Government will move to dismiss Count 24 and

1 30 at the time of sentencing, not further criminally prosecute
2 the Defendant for offenses arising from conduct charged in the
3 indictment; and there is a possibility of a 5K motion

09:22:59 4 THE COURT: Okay. Mr. Gomez-Lazcano, again, it's a
5 long agreement. There's a lot that's in the agreement. But is
6 that your understanding of the major terms you've reached with
7 the Government?

8 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:23:13 9 THE COURT: Okay. I want to talk about a few of
10 those. The Government's recommending you get what's, basically,
11 called the third point off for accepting responsibility. And
12 so, they're going to recommend that.

13 But do you understand I don't have to follow
14 their recommendation?

09:23:27 15 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

16 THE COURT: Okay. They're also -- there's the
17 possibility that they will file a motion based on your
18 cooperation. But you understand there's no guarantee or promise
19 that the Government is going to ask to reduce your sentence
09:23:45 20 based on your cooperation?

21 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

22 THE COURT: And then, you understand that even if they
23 do file that motion and ask for a reduced sentence because of
24 your cooperation that it's ultimately up to me and I don't have
09:24:00 25 to follow what the Government recommends?

1 Do you understand that?

2 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

3 THE COURT: And so, if you don't get that cooperation
4 reduction, either because the Government doesn't file it or
09:24:12 5 because they file it and I don't agree to it, you're not going
6 to be able to come back and say you want to get out of your
7 guilty plea at that point.

8 Do you understand?

9 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:24:23 10 THE COURT: You also -- like Mr. Abdulaziz, you -- in
11 the plea agreement, you're waiving your right to appeal the
12 sentence or to collaterally attack the sentence. So, as I just
13 explained, normally just by pleading guilty that means you can't
14 appeal later and say, "No, I'm actually not guilty." You're
09:24:43 15 giving -- just by pleading guilty, you're giving up that issue.

16 But just -- normally, just if you plead guilty,
17 you can still appeal the sentence. But in your plea agreement,
18 except for the -- some exceptions that are noted, you're not
19 going to be able to appeal your sentence.

09:25:03 20 Do you understand that?

21 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

22 THE COURT: So, again, putting aside the exceptions,
23 you're probably going to be stuck with whatever sentence I give
24 you.

09:25:10 25 Do you understand?

1 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

2 THE COURT: Okay. And then, there's also this ability
3 Defendants usually have to -- like I said, after their case is
4 over, they can file something saying there was a big
09:25:24 5 constitutional problem with their whole case, I'm going to try
6 to undo their conviction and start the case over again.

7 Do you understand you're also giving up your
8 right to file one of those with the Court?

9 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

09:25:40 10 THE COURT: Okay. I should ask each of you --

11 Mr. Abdulaziz, we've been talking about the plea
12 agreement. As I said, it's a lengthy document.

13 Did you read the whole document?

14 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

09:25:50 15 THE COURT: Did you go over it with your attorneys?

16 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

17 THE COURT: Is there anything in there that you don't
18 understand that you need cleared up before we go forward today?

19 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

09:26:05 20 THE COURT: Mr. Gomez-Lazcano, did you read your
21 entire plea agreement?

22 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)
23 Yes, sir.

24 THE COURT: Who translated it into Spanish for you?

09:26:11 25 DEFENDANT GUILLERMO GOMEZ-LAZCANO: My attorney.

1 THE COURT: And is there anything -- so, you discussed
2 it, obviously, with your attorney if he translated it for you?

3 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes.

4 THE COURT: And is there anything in there that you
09:26:19 5 need cleared up before we go forward today?

6 DEFENDANT GUILLERMO GOMEZ-LAZCANO: No. No, sir.

7 THE COURT: All right. So, the final thing I need to
8 be sure of before I can take your pleas is that you are, in
9 fact, guilty of these crimes you're planning to plead guilty to.
09:26:39 10 So, I'm going to first talk about what it is the Government has
11 to prove.

12 And for Mr. Abdulaziz, it's just the one -- it's
13 five counts of the same crime. So, first, what is a false
14 statement during the purchase of a firearm? For you to be
09:26:57 15 guilty of that, the Government would have to prove the following
16 beyond a reasonable doubt:

17 first, that the Defendant made a false statement
18 on an ATF Form 4473;

19 second, that the statement was made to a
09:27:10 20 federally licensed arms dealer;

21 and third, that the Defendant knew the statement
22 or representation was false.

23 Now, as part of that, you can be guilty even if
24 you didn't fill out the form yourself but if you aided and
09:27:25 25 abetted or helped someone do it or took part in that other

1 person doing it.

2 The classic case of aiding and abetting is, say,
3 the get-away driver in a bank robbery. So, it's not just the
4 person who goes in with the gun and robs the bank who can be
09:27:46 5 guilty; but someone outside driving the car who helps him get
6 away aided and abetted, helped make that bank robbery happen.
7 And so, they can also be guilty.

8 It's the same -- it applies to, basically, any
9 crime. There was a ruling about that earlier in the case. But
09:27:58 10 so, aiding and abetting, this is what the jury would be told it
11 means if we went to trial: that someone had to commit that
12 crime we just talked about of making a false statement during
13 the purchase of a firearm and that you, the Defendant,
14 associated with that criminal venture, meaning you were part of
09:28:20 15 it, you were a part of a group doing this; third, that you
16 purposely participated in the venture -- it means you weren't
17 just part of it by accident; you intended to help this group
18 succeed -- and then, fourth, that you did some action. You
19 engaged in some conduct to make the venture succeed.

09:28:41 20 So, you understand if we went to trial, those are
21 the elements of the crime that the Government would have to
22 prove beyond a reasonable doubt?

23 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

24 THE COURT: Okay.

09:28:50 25 All right. Now, Mr. Gomez-Lazcano, Count 17 and

1 18 are an alien in possession of a firearm. To be guilty of
2 that crime, the Government would have to prove first that you or
3 someone you aided and abetted knowingly possessed guns; second,
4 that at the time the person possessed the gun they were
09:29:24 5 illegally and unlawfully in the United States; and third, the
6 Government would have to show that the gun that was possessed
7 had traveled in interstate or foreign commerce. That's what
8 makes it a federal crime.

9 There's really not guns that are manufactured in
09:29:45 10 the State of Texas. So, just about all guns have moved in
11 interstate commerce if they ended up in this area.

12 Do you understand that's what the Government has
13 to prove beyond a reasonable doubt to show you're guilty of
14 alien in possession of a firearm?

09:29:58 15 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

16 THE COURT: Okay. And then, there's the same aiding
17 and abetting theory which just means you don't have to be the
18 person who actually possessed the firearm illegally, if you
19 helped someone else do that.

09:30:16 20 For that, the Government has to prove that
21 someone committed -- this has -- the data sheet says false
22 statement during purchase of a firearm.

23 MS. STABE: That's a mistake.

24 THE COURT: Right. But it should be that someone
09:30:30 25 committed this offense of alien in possession of a firearm; that

1 you associated with the criminal venture or group; third, that
2 you on purpose participated in the venture; and finally, that
3 you took some action to make the venture succeed.

4 So, do you understand that for those two crimes,
09:30:51 5 Counts 17 and 19, that's what the Government would have to prove
6 beyond a reasonable doubt for you to be guilty?

7 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes.

8 THE COURT: Okay. Now, let's talk about the drug
9 charge, conspiracy to possess with intent to distribute a
09:31:04 10 controlled substance. For you to be guilty of that, the
11 Government would have to prove beyond a reasonable doubt the
12 following four things:

13 one, that, at least, two people agreed to possess
14 with intent to distribute methamphetamine;

09:31:23 15 second, that you knew the unlawful purpose of the
16 agreement;

17 third, that you joined in that agreement
18 willfully, meaning it wasn't an accident, you intended to help
19 further this drug activity;

09:31:39 20 and fourth, that the conspiracy involved 50 grams
21 or more of meth.

22 Do you understand the Government has to prove all
23 those things beyond a reasonable doubt for you to be guilty of
24 the drug charge?

09:31:51 25 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)

1 Yes, sir.

2 THE INTERPRETER: Yes, sir.

3 THE COURT: Okay. And, then, lastly, possession of a
4 machine gun. There are only two things the Government has to
09:31:58 5 prove here:

6 first, that you knowingly possessed a machine
7 gun;

8 and second, that you knew the characteristics of
9 the firearm which made it a machine gun under federal law.

09:32:20 10 Do you understand those are the two things the
11 Government has to prove again beyond a reasonable doubt for you
12 to be guilty of the machine gun-possession crime?

13 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

14 THE COURT: Okay. So, now, I need to make sure the
09:32:33 15 Government could prove those things to establish your guilt.

16 Mr. Abdulaziz, there's a lengthy factual basis on
17 pages 7 through 14 -- it's about -- it's about half the pages of
18 your plea agreement -- that detail what the Government thinks it
19 could prove on each count. I already asked you if you read the
09:33:04 20 plea agreement, and you said you did.

21 But now, specifically, talking about those pages,
22 just to verify again, you read all that?

23 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

24 THE COURT: Was there anything in there that you
09:33:12 25 thought was inaccurate that we need to correct this morning?

1 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

2 THE COURT: Okay.

3 Ms. Stabe, do you want to summarize it?

4 MS. STABE: Yes. Yes, I will, as briefly as I can,
09:33:25 5 your Honor.

6 THE COURT: Yeah. I know there's a lot.

7 And Mr. Abdulaziz, listen to what she says.
8 You've already said what's written down here is correct. But
9 just be careful to pay attention to what she says. I'm going to
09:33:34 10 ask you if it's correct.

11 MS. STABE: So, starting in December of 2019, ATF
12 learned about a shootout occurring in Villa Union, Coahuila,
13 Mexico. During that investigation, a .50 caliber BMG rifle was
14 recovered.

09:33:50 15 A trace of that firearm revealed it was purchased
16 on November 19th of 2019 by Israel Chapa, Jr., from Zeroed In
17 Armory 13 days before the shootout. Zeroed In Armory is located
18 in Pearland, Texas, in the Southern District of Texas. The sole
19 owner and operator of Zeroed In Armory is Khalid Abdulaziz, the
09:34:08 20 Defendant.

21 The short timeframe between the purchase and
22 recovery indicated that possible gun trafficking was involved.
23 And during the investigation of this case, a total of 485
24 firearms were purchased from the Defendant, Mr. Abdulaziz, at
09:34:23 25 Zeroed In Armory by co-Defendants in this case.

1 So, we're referring specifically to Count 1. On
2 December 5th of 2019, the Brownsville, Texas, Police Department
3 responded to a call of shots fired and, ultimately, arrested
4 Victor Camacho, a co-Defendant in this case. Upon receiving
09:34:39 5 consent to search his vehicle, law enforcement found four .308
6 Diamondback rifles that were disassembled and wrapped in bundles
7 taped with blue painter's tape consistent with firearms'
8 trafficking.

9 Trace results of the four .308 caliber
09:34:52 10 Diamondbacks showed the rifles were purchased on December 4th
11 from Mr. Abdulaziz by Israel Chapa only one day prior to
12 Camacho's arrest.

13 A review of the 4473 completed by Israel Chapa at
14 Zeroed In Armory reflects that on December 4, 2019, Chapa
09:35:11 15 purchased a total of 11 .308 Diamondback rifles from Abdulaziz,
16 including the four found in Camacho's trunk.

17 And additionally, a GLOCK Model 19 Gen4 .9
18 milligram handgun was purchased by Chapa on December 4, 2019,
19 which was later recovered in the possession of Isaac Rodriguez,
09:35:30 20 another co-Defendant in this case, on April 29, 2020. On that
21 4473, Mr. Chapa indicated that he was the actual transferee or
22 buyer of the firearm and that he was not buying the firearm on
23 behalf of another person.

24 During the case, agents received what --
09:35:46 25 retrieved WhatsApp conversations between Isaac Rodriguez and

1 Victor Camacho; and during the conversations between November
2 28, 2019, and December 4, 2019, the two were clearly discussing
3 placing orders for and pricing of firearms and asking -- Victor
4 Camacho was asking about M2 rifles, .308 rifles, .50 caliber
09:36:08 5 rifle magazines, and P90 magazines. And Rodriguez told Camacho
6 he would order ten Diamondback rifles.

7 On December 3, 2019, Camacho told Rodriguez he
8 would travel to Houston, Texas, to pick up the firearms; and
9 Rodriguez stated he would call the store, which is Zeroed In
09:36:23 10 Armory, to ensure the rifles would be ready for pick up.

11 And on December 4th, the same day Israel Chapa
12 purchased 11 .308 caliber Diamondbacks, Camacho was asking
13 Rodriguez when Rodriguez's buddy would be at the store; and
14 Rodriguez replied "They're already being loaded." And Rodriguez
09:36:40 15 admitted to going to Zeroed In Armory with Chapa that day to
16 purchase the firearms for Camacho.

17 Additionally, on Rodriguez's phone -- or on
18 Camacho's phone, excuse me, is a video sent from Rodriguez to
19 Camacho as being taken inside of Zeroed In Armory and depicting
09:36:56 20 an AK-47 and panning over numerous boxes presumed to be
21 firearms; and Abdulaziz is heard asking if they have the money
22 together for tomorrow to which Rodriguez responds, "Yes, for
23 tomorrow."

24 Israel Chapa purchased a total of 153 firearms
09:37:11 25 from Khalid Abdulaziz at the direction of Rodriguez and

1 delivered them to several locations in Houston, either to
2 Rodriguez at shopping centers, his home on Norlinda, to Camacho,
3 or to a house on Hopper Street in Houston, Texas. And all the
4 deliveries were made at the direction of Rodriguez.

09:37:29

5 Israel Chapa stated that Rodriguez and then
6 Gustavo Gomez-Valenzuela, who is later identified as the leader
7 of the trafficking cell in Houston, and another co-Defendant --
8 Chapa stated that both of those individuals accompanied him to
9 Zeroed In Armory on, at least, one occasion during purchasing of
10 firearms.

09:37:49

11 With, specifically, to Count 5, your Honor, on
12 December 12th of 2019, Javier Cavazos, III, who is identified
13 also as a straw purchaser in this case, purchased 105 AK-47s
14 from Khalid Abdulaziz at Zeroed In Armory.

09:38:07

15 And during a statement made by Cavazos, he stated
16 that Rodriguez called him that day and asked him to make a pick
17 up. Cavazos drove to Zeroed In Armory in his Tahoe followed by
18 Rodriguez; and then, also, according to Rodriguez, Gustavo
19 Gomez-Valenzuela came, as well. All three of them entered into
20 Zeroed In Armory; and while Cavazos completed the ATF Form 4473,
21 Rodriguez was talking to Abdulaziz.

09:38:23

22 Cavazos stated that Rodriguez handed Abdulaziz an
23 unknown amount of money that Cavazos believed was payment for
24 the rifles. At the time he was filling out the form, Cavazos
25 did not have any idea how many rifles or firearms he was

09:38:39

1 purchasing.

2 Once Cavazos completed the form, Abdulaziz went
3 to the back of the store to receive the firearms -- retrieve the
4 firearms, excuse me, while Cavazos, Rodriguez, and
5 Gomez-Valenzuela went to their cars.

09:38:53

6 Abdulaziz appeared shortly after with two pallets
7 of firearms; and Cavazos, Rodriguez, and Gomez-Valenzuela
8 removed the firearms from their boxes and loaded them into their
9 vehicles; and Abdulaziz stated he would take care of the
10 remaining boxes that did not fit in the dumpster.

09:39:06

11 Pursuant to a warrant on Isaac Rodriguez's phone,
12 ATF Agent Cardona located a Zeroed In Armory invoice dated
13 December 10th of 2019 with a due date of December 11, 2019. The
14 invoice was for Israel Chapa to purchase 105 Century VSKA rifles
15 for the total price of \$70,584.41. However, it was Cavazos who
16 completed the purchase for those rifles instead on December 12th
17 of 2019.

09:39:29

18 On December 11, 2019, Agent Cardona had also
19 contacted Mr. Abdulaziz to request copies of all of Chapa's
20 4473s. And during that same timeframe, Abdulaziz contacted
21 Rodriguez and warned him that ATF was asking about Chapa.
22 During a statement given by Rodriguez, Rodriguez stated that he
23 and Chapa were at a casino in Louisiana when Abdulaziz called
24 and warned him about ATF acquiring -- inquiring into Chapa.

09:39:49

25 And Rodriguez stated that is why Cavazos

09:40:07

1 purchased the 105 rifles instead of Chapa. Javier Cavazos
2 purchased a total of 109 firearms from Khalid Abdulaziz during
3 the time period from November of 2019 through March of 2020.

09:40:26 4 For Count 6, your Honor, that original traffic
5 stop of Victor Camacho on December 5th of 2019, the GLOCK pistol
6 that was in Victor Camacho's possession, that was traced back to
7 an individual named Ashley Giddens who is another co-Defendant
8 and straw purchaser in this case. She purchased that firearm on
9 November 7th of 2019 with a time-to-crime of 27 days.

09:40:48 10 Agents also went to Camacho's residence in
11 Brownsville and located several firearms boxes that traced back
12 to Ashley Giddens as the purchaser, as well, for November 14,
13 2019, with 22 days prior to the boxes being discovered.

14 Agent Cardona also requested the 4473s from
09:41:14 15 Zeroed In Armory for any and all purchases of firearms made by
16 Ashley Giddens; and they revealed she purchased 19 firearms
17 between November 7, 2019, and December 18, 2019, to include the
18 pistol and the rifle matching the boxes found in -- at Camacho's
19 residence.

09:41:30 20 Agents conducted a voluntary non-custodial
21 interview of Ashley Giddens regarding her purchases from Zeroed
22 In Armory. She admitted she would be provided with large sums
23 of cash in United States currency and directed to go to Zeroed
24 In Armory on multiple occasions to purchase firearms.

09:41:44 25 She claims she did not know how much money she

1 received each time, and she did not know what she was
2 purchasing. She admitted that Rodriguez was the money man and
3 that during some of the transactions she would deliver the
4 firearms to Rodriguez's house.

09:41:58

5 She stated that once at Zeroed In Armory, Giddens
6 would inform the owner, Mr. Abdulaziz, that she was there to
7 pick up a shipment or at times stated just "What's up?" at which
8 time Abdulaziz would provide her a laptop computer to fill out
9 the ATF Form 4473.

09:42:13

10 Once the 4473 was completed, Giddens would
11 provide the unknown amount of cash to Abdulaziz who would then
12 provide her the firearms. Ashley Giddens stated she never
13 placed any orders for firearms prior to picking them up and
14 never knew what type or quantity of firearms she would be
15 picking up. However, they would all be ready upon her arrival.

09:42:29

16 Ms. Giddens stated that once the firearms
17 transactions were complete, Abdulaziz would ask her if the
18 firearms were, indeed, for her and would warn her not to resell
19 the firearms. She stated she found these questions odd
20 considering the whole point of her going to Zeroed In Armory was
21 to buy firearms for someone else; and Abdulaziz knew she hadn't
22 placed any orders.

09:42:46

23 She also stated that during a visit to Zeroed In
24 Armory, Abdulaziz instructed her not to tell anything to the
25 police if she was approached. Once she acquired the firearms,

09:42:57

1 she dropped them off --

2 THE COURT REPORTER: I'm sorry.

3 MS. STABE: Sorry.

4 Once she acquired the firearms, she dropped them
09:43:05 5 off to an unknown Hispanic male off of Hopper Road in Houston,
6 Texas.

7 Count 8, your Honor, involves the straw purchaser
8 Steve Baranowski, III.

9 Agents conducted an interview of him after
09:43:21 10 surveillance conducted at Zeroed In Armory raised suspicions
11 that he was involved in the straw purchasing scheme.

12 Mr. Baranowski stated that on March 9th of 2020
13 at the direction of Rodriguez, he purchased 35 Anderson
14 Manufacturing AM-15 AR-type rifles. He stated that Rodriguez
09:43:40 15 provided him an unknown amount of cash in US currency to
16 purchase these firearms and instructed him to deliver them to
17 what Mr. Baranowski called "the big guy" which was identified as
18 Gomez-Valenzuela.

19 Mr. Baranowski stated that after completing the
09:43:55 20 previously mentioned purchase and prior to delivering the
21 firearms to the -- Mr. Gomez-Valenzuela, he tried to keep some
22 of the firearms for himself without Rodriguez's knowledge.

23 After delivering the firearms to
24 Gomez-Valenzuela, he left the home and was later confronted by
09:44:10 25 Rodriguez regarding the missing firearms. Baranowski stated he

1 witnessed several calls to and from Rodriguez and
2 Gomez-Valenzuela and between Rodriguez and Abdulaziz.

3 Baranowski stated that he received a phone call
4 while still in Rodriguez's presence from Abdulaziz who stated,
09:44:27 5 "Hey, you bought the rifles today"; and Baranowski, III, stated
6 he immediately knew the phone call was in reference to the
7 missing rifles and promptly hung up the phone. He, eventually,
8 returned the stolen rifles to Rodriguez.

9 Agents reviewed phone tolls between those
09:44:43 10 individuals and confirmed the sequence of events and calls
11 stated by Baranowski, including Abdulaziz calling Baranowski
12 after he had been contacted by Rodriguez.

13 For Count 10, your Honor, when agents executed
14 the arrest of Abdulaziz and the search of Zeroed In Armory
09:45:02 15 pursuant to a warrant on April 29th of 2020, a UPS truck arrived
16 delivering 127 AR-15 rifles. During Abdulaziz's Mirandized
17 statement, he mentioned that 105 of the 127 firearms were
18 ordered by Rodriguez and were supposed to be picked up by an
19 individual named Reyna.

09:45:22 20 Agents involved in the case reviewed the ATF Form
21 4473s seized during the search of Zeroed In Armory; and during
22 that review, they were able to identify Mario Reyna, another
23 straw purchaser and co-Defendant in this case.

24 A volunteer interview was conducted on May 12th
09:45:38 25 of 2020. During that interview, Reyna stated that he and Israel

1 Chapa, another co-Defendant were extremely close friends and had
2 met while in high school. Reyna stated Chapa contacted him and
3 asked him to purchase firearms on Chapa's behalf due to being
4 concerned that ATF was looking at him.

09:45:54

5 Reyna stated he agreed to make purchases for
6 Chapa and -- okay.

09:46:19

7 Agents had conducted an interview of Chapa on
8 December 13th of 2019. Abdulaziz then warned Rodriguez that ATF
9 was looking into Chapa in December of 2019, as well; and then,
10 additionally, on January 7th of 2020, Agents Cardona and Smith
11 conducted a voluntary interview of Abdulaziz in which they
12 disclosed that a rifle that had been purchased by Chapa had been
13 recovered at a massacre in Mexico where 21 people were killed.

09:46:36

14 Abdulaziz asked Agent Cardona what he should do
15 if Chapa came back to the store, and Agent Cardona told
16 Abdulaziz he should give him a call. But throughout March and
17 April of 2020, Reyna made several straw purchases of firearms
18 from Abdulaziz at Zeroed In Armory.

09:47:00

19 On March 24th of 2020, specifically, Reyna made
20 his first purchase from Abdulaziz at Zeroed In Armory. The ATF
21 form filled out by Reyna indicates he purchased four Barrett .50
22 caliber BMG rifles. He marked "yes" on Question 11.a saying
23 that he was the actual purchaser of the firearm, meaning he was
24 not buying it on behalf of another individual. Reyna stated
25 that Chapa gave him money for the firearms and later gave him a

09:47:18

1 thousand dollars for buying on his behalf.

2 While at Zeroed In Armory, Reyna told Abdulaziz
3 he was there to pick up four Barretts for Israel.

4 Abdulaziz told him the rifles were ready to be
09:47:33 5 picked up; and on that instance, Chapa then came into Zeroed In
6 Armory to which Reyna stated Abdulaziz made a comment to Chapa
7 that ATF has him scared.

8 During the -- following that purchase, Reyna and
9 Chapa drove to a house on Sparks Street in Houston, Texas, to
09:47:49 10 meet Rodriguez and load the firearms into Rodriguez's truck.
11 Reyna made several other purchases from Zeroed In Armory for a
12 total of 11 firearms that were immediately transferred to either
13 Israel Chapa or Isaac Rodriguez.

14 For Count 11, your Honor, during the review of
09:48:12 15 all the ATF Form 4473s seized during the search of Zeroed In
16 Armory, agents were -- located an individual who had purchased
17 multiple firearms named Francisco Jacinto.

18 The Form 4473 showed Jacinto purchased a total of
19 104 firearms during six transactions between January 17, 2020,
09:48:33 20 and March 20, 2020. All purchases were made from Abdulaziz at
21 Zeroed In Armory; and on all of the forms collected, Francisco
22 Jacinto had marked "yes" stating he was the actual buyer of the
23 firearms; and he was not acquiring them on behalf of another
24 person.

09:48:47 25 During an interview of Francisco Jacinto, he

1 stated that sometime in February or March of 2020 Javier Cavazos
2 told him about a place called Zeroed In Armory where he could
3 buy a gun. Jacinto and Cavazos went to Zeroed In Armory
4 together; and according to Jacinto before they got to the
09:49:05 5 location, Cavazos told Jacinto he had a job for him that
6 required him to purchase guns for someone else.

7 During the first purchase, Jacinto went into the
8 store; and Cavazos had given him money before he went in.
9 Jacinto stated that he gave Abdulaziz a stack of US currency but
09:49:25 10 did not know the exact amount. Jacinto also stated he asked
11 Abdulaziz if he was going to get into trouble due to the number
12 of guns he was purchasing; and Abdulaziz stated that he can
13 purchase as many guns as he wants with no problem.

14 After filling out the Form 4473, Abdulaziz
09:49:37 15 pointed to boxes of AK-47 rifles and told Jacinto to load them
16 into his truck. Abdulaziz did not provide a receipt for the
17 purchase to Jacinto.

18 Additionally, your Honor, during an interview
19 with Rodriguez, he stated he was ordering firearms from Zeroed
09:50:00 20 In Armory on behalf of Gomez-Valenzuela. He stated all of the
21 money for the firearms came from Gomez-Valenzuela and that he
22 would directly contact Abdulaziz to place firearm orders on
23 behalf of Gomez-Valenzuela and that once he developed a closer
24 relationship with Abdulaziz, he would tell Abdulaziz who was
09:50:16 25 picking up the firearms.

1 Rodriguez stated that on several occasions he and
2 Gomez-Valenzuela went to Zeroed In Armory together to deliver
3 thousands of dollars in United States currency to Abdulaziz for
4 orders and would later send straw purchasers to pick up those
5 items.

09:50:33

6 Rodriguez also paid Abdulaziz, he stated, extra
7 on the side from the profits he was making on the firearms
8 purchases. Rodriguez stated Abdulaziz called him on multiple
9 occasions to inform him that a firearm purchased by one of the
10 straw purchasers had been recovered in crime scenes.

09:50:46

11 And, your Honor, while we agree that the
12 Defendant did not know every single detail of Rodriguez's
13 scheme, he admits as part of this agreement he was deliberately
14 ignorant to the fact that individuals in Counts 1, 5, 6, 8, 10,
15 and 11 were, in fact, making false statements on 4473s.

09:51:08

16 And despite all of the red flags present, he
17 deliberately blinded himself to the illegality of the scheme,
18 his participation in it; and as a matter of law, he understands
19 this equates to knowledge of the illegal purpose.

09:51:23

20 And as part of this plea agreement, he also is
21 agreeing to forfeit all firearms, ammunition, firearms parts and
22 accessories seized during this investigation, including those
23 seized on April 29, 2020, during the search warrant at Zeroed
24 In.

09:51:36

25 THE COURT: Okay, Mr. Abdulaziz, that's a lot of

1 information the Government has for these counts. I understand
2 some of it is conversation of other people. So, you know, you
3 don't have direct knowledge of that part of it.

4 But especially as it relates to your conduct that
09:51:50 5 was described, is what the prosecutor just said true?

6 MR. HOLLINGSWORTH: Do you mind -- do you mind if I
7 point one thing out?

8 THE COURT: Sure, sure, please. That's why we're
9 doing this.

09:52:03 10 MR. HOLLINGSWORTH: Thank you so much.

11 Yesterday, we -- we and the Government went back
12 and forth on some edits.

13 THE COURT: All right.

14 MR. HOLLINGSWORTH: I just need to ask Ms. Stabe if --
09:52:09 15 I can't remember if you -- until just now whether you e-mailed
16 the most recent version of the plea agreement to the Court. I
17 know there was an e-mail at some point as a courtesy copy, but I
18 can't recall on that.

19 MS. STABE: I have two copies -- two blank copies of
09:52:21 20 the most recent version of the plea agreement.

21 MR. HOLLINGSWORTH: Okay.

22 MS. STABE: So, I was under the assumption we would
23 all sign it --

24 MR. HOLLINGSWORTH: It's no problem.

09:52:27 25 MS. STABE: -- and file that.

1 MR. HOLLINGSWORTH: Your version with respect to the
2 facts section was edited just a bit. I --

3 Ms. Stabe read an accurate rendition --

4 THE COURT: Of the revised.

09:52:38 5 MR. HOLLINGSWORTH: -- of the revised.

6 THE COURT: I understand.

7 MR. HOLLINGSWORTH: I just wanted to point out that
8 there are -- I think one of the big pieces that was revised --

9 THE COURT: All right.

09:52:43 10 MR. HOLLINGSWORTH: -- was what Ms. Stabe said at the
11 end, which was the deliberate indifference piece in the --

12 THE COURT: Right. I noticed that wasn't in what I
13 was looking at, right.

14 MR. HOLLINGSWORTH: I just wanted to point that out.

09:52:50 15 THE COURT: Right.

16 MR. HOLLINGSWORTH: I don't have a problem with it
17 because whatever we sign is going to be official.

18 THE COURT: Right.

19 MR. HOLLINGSWORTH: I just, for your benefit, your
09:52:56 20 Honor, wanted you to know that that is actually a paragraph in
21 the plea agreement.

22 THE COURT: It makes sense. And I was actually -- as
23 I was reviewing this yesterday with the facts, I was wondering
24 if this was -- it seemed like a deliberate-indifference --
09:53:07 25 ignorance type of case. My trial is a deliberate-indifference

1 trial. So, I got those confused. But deliberate ignorance is
2 the criminal term.

3 Thanks for that clarification, and make sure the
4 one you sign is the -- is the updated one.

09:53:24 5 Mr. Abdulaziz, with the addition of what your
6 lawyer said, is it true what the prosecutor said?

7 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

8 THE COURT: Okay.

9 All right. Now, let's give the facts that
09:53:39 10 support the crimes to which Mr. Gomez-Lazcano was planning to
11 plead to, Ms. Stabe.

12 MS. STABE: Yes, your Honor.

13 With regards to Count 17, on November 3rd --

14 THE COURT: And you'll have go -- we have the
09:53:53 15 translator for these. So, you'll have to go a little slower.

16 MS. STABE: Yeah.

17 On November 3rd of 2020, an ATF confidential
18 informant went to a car shop located on Aldine Westfield Road in
19 Houston, Texas, in the Southern District of Texas to meet with
09:54:10 20 Gustavo Gomez-Valenzuela with the intent to purchase firearms
21 and narcotics from their organization.

22 During the meeting, the confidential informant
23 was introduced to Gomez-Valenzuela and to the Defendant
24 Mr. Gomez-Lazcano. During the meeting, Gomez-Valenzuela and the
09:54:29 25 CI discussed the different types of firearms he had on hand to

1 sell to the CI.

2 While the CI talked to Gomez-Valenzuela, the
3 Defendant Mr. Gomez-Lazcano was captured on video displaying
4 firearms to the CI after getting them from several different
09:54:46 5 locations on the property.

6 After viewing the firearms, the CI purchased the
7 following: a Winchester Defender shotgun, a ROMARM Cugir WASR
8 10 rifle, an American Tactical Maxx Limited rifle, a Taurus CT9
9 G2 rifle, a GLOCK 22 pistol, and a Draco Model NAK9 pistol.

09:55:16 10 An ATF nexus expert examined all six of the
11 firearms and determined that all were manufactured outside the
12 State of Texas, meaning they all traveled in interstate or
13 foreign commerce.

14 Additionally, as part of this case, ATF agents
09:55:28 15 reviewed Mr. Gomez-Lazcano's background and determined he is an
16 alien illegally and unlawfully in the United States and is,
17 therefore, prohibited from possession of firearms or ammunition.

18 After the purchase of firearms was complete,
19 Mr. Gomez-Valenzuela and the CI continued their discussions and
09:55:47 20 then began to also talk about purchasing methamphetamine.
21 Gomez-Valenzuela instructed the Defendant Gomez-Lazcano to call
22 the lady to get a ball and numbers on both types she has.

23 Gomez-Valenzuela then brought over a sample and
24 told the CI to test it, which the CI did in front of
09:56:07 25 Gomez-Valenzuela; and they discussed its quality. After some

1 time, agents conducting surveillance observed an H2 Hummer
2 arrive with a female driver.

3 And the female met with Gomez-Valenzuela and,
4 shortly thereafter, gave Gomez-Valenzuela -- sorry, gave the
09:56:23 5 confidential informant a plastic bag with one ounce of
6 methamphetamine. And the CI paid Gomez-Valenzuela \$250 for the
7 narcotics.

8 After the November 3rd meeting, there were a
9 series of phone calls and conversations between the confidential
09:56:40 10 informant, Gomez-Lazcano, and Gomez-Valenzuela. On November
11 10th of 2020, Gomez-Lazcano and the CI discussed purchasing more
12 methamphetamine.

13 On November 16, 2020, two calls occurred between
14 the confidential informant, Gomez-Lazcano, and Gomez-Valenzuela.
09:57:00 15 During the call, Gomez-Lazcano told the CI that he had some
16 firearms ready to go and that the CI should contact
17 Gomez-Valenzuela.

18 And then, within a few hours, the CI received a
19 call from Gomez-Lazcano who put Gomez-Valenzuela on the phone.
09:57:15 20 On November 17th, Gomez-Lazcano sent several photos of firearms
21 to the confidential informant that he said were currently in his
22 possession and said there were more firearms located at the shop
23 on Aldine Westfield. Gomez-Lazcano and the CI discussed
24 firearms prices, and he invited the CI over to look at the
09:57:33 25 firearms.

1 On November 18th, the CI called Gomez-Lazcano who
2 put Gomez-Valenzuela on the phone; and during that call, the CI
3 placed an order for one kilo of methamphetamine and discussed
4 his or her intention to buy more firearms. And they agreed to
09:57:47 5 finish the deal on November 19th of 2020.

6 On November 19th of 2020, the CI went to the meet
7 with Gomez-Valenzuela and Gomez-Lazcano; and there are
8 recordings that show Gomez-Lazcano -- I mean, sorry, excuse me,
9 Gomez-Valenzuela carrying firearms and test firing firearms.
09:58:09 10 And Gomez-Lazcano was also present during that meeting.

11 During that transaction, the CI purchased the
12 following firearms: A GLOCK 22 Gen4 pistol, Uberti Model
13 Stampede .45 caliber revolver, an Anderson Manufacturing Model
14 AM-15 multi-caliber pistol, an Anderson Manufacturing AM-15
09:58:34 15 multi-caliber rifle, and a Century Arms Model RAS47 rifle.

16 And an ATF nexus expert also examined these five
17 firearms purchased by the CI and -- from Gomez-Lazcano and
18 Gomez-Valenzuela; and all five were manufactured outside the
19 state of Texas, meaning they traveled in interstate or foreign
09:58:53 20 commerce.

21 The methamphetamine that had been ordered by the
22 confidential informant was delayed arriving to the lot. There
23 was a long conversation between Gomez-Lazcano and the CI during
24 which they talked about trafficking firearms and trafficking
09:59:13 25 methamphetamine in addition to firearms.

1 Gomez-Lazcano additionally admitted to the CI he
2 had been caught attempting to cross the border into the United
3 States at least five times.

4 After waiting for some time, Gomez-Lazcano made a
09:59:26 5 phone call to inquire about the status of the methamphetamine.
6 And then, after the call, Gomez-Lazcano explained to the CI the
7 meth was delayed and asked the CI to return later.

8 Several hours later, the CI returned to the lot
9 and met up with Gomez-Valenzuela. Gomez-Valenzuela placed a
09:59:44 10 call to inquire about the meth and said his son, indicating
11 Gomez-Lazcano, were going to pick it up. But then, at some
12 point later, an unknown male arrived at the lot instead to
13 deliver the methamphetamine. Gomez-Valenzuela and the male
14 discussed pricing and sold it to the confidential informant for
10:00:02 15 \$6,500. Gomez-Lazcano opened the gate, and the CI left.

16 On December 2nd of 2020, Gomez-Lazcano greeted
17 the CI at the property and let him or her onto the property.
18 While waiting for Gomez-Valenzuela, Gomez-Lazcano and the CI
19 discussed the prior methamphetamine purchase; and Gomez-Lazcano
10:00:26 20 told the CI that after the CI left, another kilo of
21 methamphetamine was delivered that was of much better quality
22 than what the CI purchased.

23 Agents sent the substance purchased to the DEA's
24 South Central Laboratory. The results showed it was 962.7 grams
10:00:43 25 of 100 percent pure methamphetamine.

1 For Count 29, your Honor, on January 13th of
2 2021, the CI contacted agents to let them know that
3 Gomez-Lazcano had reached out to the CI to meet in person to
4 discuss a source of fully automatic machine guns; and the CI and
5 Gomez-Lazcano agreed to meet later that evening.

10:01:03

6 During the meeting, Gomez-Lazcano advised he had
7 a friend attempting to sell fully automatic AR-15s and that they
8 had internal parts that made them fully automatic.
9 Gomez-Lazcano placed some calls to inquire about pricing and
10 availability of firearms and showed the confidential informant a
11 video of one of the firearms the friend had for sale in a
12 picture.

10:01:23

13 Gomez-Lazcano stated the price would be \$2,800
14 per rifle and that he didn't want his father to know he was
15 conducting business with the CI without him. Gomez-Lazcano and
16 the CI agreed to conduct a deal on January 20th of 2021 for two
17 fully automatic rifles for \$5,200.

10:01:36

18 On that date, they drove to a residence in
19 Houston, Texas, in the Southern District of Texas. Agents
20 observed another individual remove an AR pistol from a Kia and
21 provide it to Gomez-Lazcano.

10:01:55

22 Gomez-Lazcano then provided it to the
23 confidential informant who placed it into the confidential
24 informant's vehicle. After the -- after the deal, Gomez-Lazcano
25 got into the confidential informant's vehicle and took the auto

10:02:10

1 sear out of the firearm.

2 THE INTERPRETER: I'm sorry, auto sear?

3 Auto sear. This is the name of the item that
4 converts it to fully automatic.

10:02:27 5 Gomez-Lazcano examined it and took pictures of it
6 and claimed that he thought he could also manufacture them. And
7 then, the CI and Gomez-Lazcano left in separate directions.

8 The HPD, Houston Police Department, firearms lab
9 tested the firearm purchased with the auto sear and concluded
10:02:44 10 that it fired as a fully automatic weapon.

11 And Mr. Gomez-Lazcano agreed to forfeit any
12 firearms, ammunition, or magazines seized as part of the plea
13 agreement in this case.

14 THE COURT: All right, Mr. Gomez-Lazcano, is what the
10:02:57 15 prosecutor just said true?

16 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Yes, sir.

17 THE COURT: Okay. Well, now, for each of you, we're
18 at the point where -- you know, as I said earlier, until you
19 make your plea official, you still have the right to go to trial
10:03:10 20 in your case; but we're at the point of no return where you'll
21 officially enter a plea. Just a few more questions before I ask
22 for that official plea.

23 First, we've talked a lot about the plea
24 agreement. It's a long agreement. You each said you've read
10:03:30 25 it. I think we talked about what the Government's promised you.

1 What I want to ask is there anything you've been
2 promised to plead guilty that's not in the written agreement,
3 that is, is there some side deal that I don't know about?

4 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

10:03:45 5 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.) No,
6 sir.

7 THE COURT: Has anyone coerced you or threatened you
8 to get you to plead guilty in this case?

9 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

10:03:51 10 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.) No,
11 sir.

12 THE COURT: Are you pleading guilty because you are,
13 in fact, guilty of these crimes?

14 DEFENDANT KHALID ABDULAZIZ: Yes, your Honor.

10:03:57 15 DEFENDANT GUILLERMO GOMEZ-LAZCANO: (In English.)
16 Yes, sir.

17 THE COURT: Okay. I'll ask you is there any -- before
18 I take your official plea, is there any question you have either
19 for me or to talk to your attorneys privately about before you
10:04:09 20 make this big decision?

21 DEFENDANT KHALID ABDULAZIZ: No, your Honor.

22 DEFENDANT GUILLERMO GOMEZ-LAZCANO: No, sir.

23 THE COURT: Are there any additional warnings the
24 attorneys think your client needs to be given?

10:04:21 25 MR. HOLLINGSWORTH: No, sir.

1 MR. ORTIZ: No, your Honor.

2 THE COURT: Prosecutor?

3 MS. STABE: No, your Honor.

4 THE COURT: Then, Mr. Abdulaziz, how do you plead

10:04:27 5 guilty to the five crimes -- let me just --

6 MS. STABE: Six counts, your Honor.

7 THE COURT: Six for him, okay. I'm going to go
8 through each one. So, just -- there's a lot of paperwork here.

9 Okay. Mr. Abdulaziz, how do you plead to Counts

10:04:42 10 1, 5, 6, 8, 10, and 11, guilty or not guilty?

11 DEFENDANT KHALID ABDULAZIZ: Guilty.

12 THE COURT: All right.

13 Then, Mr. Gomez-Lazcano, how do you plead to
14 Counts 17, 19, 21, and 29?

10:05:00 15 DEFENDANT GUILLERMO GOMEZ-LAZCANO: Guilty.

16 THE COURT: All right.

17 Then, it is the Court's finding in both of these
18 cases that the Defendants are competent, they understand the
19 charges against them, they understand the rights they're giving
10:05:12 20 up by pleading guilty, they understand the consequences of
21 pleading guilty; and I find that they are knowingly and
22 voluntarily waiving their right to trial and entering into the
23 plea on these counts.

24 I also find that there is sufficient facts in the
10:05:28 25 record, in the plea agreement, and recited in court today to

1 show that they are, in fact, guilty of these offenses.

2 I would just note with Mr. Abdulaziz on each of
3 his counts, there's probably enough for a jury to find
4 knowledge; but certainly, given the deliberate ignorance as
10:05:50 5 discussed in the plea agreement and the fact that that can
6 constitute knowledge, I find that there is sufficient basis for
7 his pleas to each of those counts.

8 Let's execute the plea agreements, get those
9 signed.

10:06:06 10 While that's being done -- and I'll sign the
11 preliminary order of forfeiture for each Defendant.

12 MS. STABE: Okay. We have, for Mr. Abdulaziz, an
13 agreed motion for forfeiture --

14 THE COURT REPORTER: I'm sorry.

10:06:20 15 MS. STABE: -- for Mr. Abdulaziz, an agreed motion for
16 forfeiture and preliminary order which was sent to you, your
17 Honor.

18 THE COURT: Right. I have --

19 MS. STABE: And then, for Mr. Gomez-Lazcano, I have a
10:06:28 20 preliminary order, as well.

21 THE COURT: Great.

22 Give me that pen, Jesus.

23 THE CASE MANAGER: Yes, sir.

24 THE COURT: I think this is the longest forfeiture
10:06:44 25 order I've seen.

1 (Papers executed.)

2 THE COURT: While we're still finalizing those, the
3 next stage of this case will be sentencing. And the probation
4 office is going to want to interview each of you. You'll want
10:08:27 5 your attorneys present for that.

6 Probation is going to prepare this long report
7 that calculates those guidelines we talked about. But it also
8 has a lot of other information about your life. It's almost
9 like a biography of your life.

10:08:41 10 And so, they'll interview you; and then, after
11 the report comes out, your attorneys, if they want, can -- if
12 there's additional information they think I need to know, they
13 can send -- submit that to the Court before your sentencing.

14 And then, we'll be back here for sentencing for
10:08:56 15 both of you on June 13th. There's also a lot of other dates --
16 the attorneys will get it; I'm not going to recite them all --
17 for when the attorneys need to file objections and things like
18 that to this report. And you'll get a copy of that
19 electronically.

10:09:12 20 Do we have the pleas executed, Mr. Guajardo?

21 THE CASE MANAGER: Yes, Judge, we do.

22 THE COURT: They're all executed? Okay.

23 Anything else from the Government?

24 MS. STABE: Nothing else, your Honor.

10:09:23 25 THE COURT: What about Mr. Abdulaziz's pretrial

1 release status? Is the Government okay with him remaining on
2 bond?

3 MS. STABE: We are in agreement that he can remain on
4 bond, your Honor.

10:09:32 5 THE COURT: Okay.

6 Anything else for Mr. Abdulaziz's counsel?

7 MR. AKERS: Not from the defense, your Honor.

8 THE COURT: Anything else from Mr. Gomez-Lazcano's
9 counsel?

10:09:44 10 MR. ORTIZ: No, your Honor.

11 THE COURT: Okay.

12 Mr. Abdulaziz, you're going to be allowed to
13 remain out on bond until your sentencing. The same conditions
14 you've been complying with apply. You've, apparently, been --
10:09:54 15 had no problems on bond. So, just keep that up because one of
16 the worst things that can happen to a defendant is, if they're
17 out on bond before sentencing, they get into some other sort of
18 trouble.

19 Because one of the key things I have to think
10:10:06 20 about when I sentence someone is, you know, have they learned
21 from this or is this type of stuff going to continue. So,
22 obviously, just keep -- keep complying with the bond conditions
23 as you have.

24 But it's -- you know, even -- you know, even some
10:10:17 25 -- you know, some kind of traffic problem or something can

1 create problems if you're on bond.

2 THE CASE MANAGER: Judge, may I ask something?

3 THE COURT: Sure.

4 THE CASE MANAGER: Ms. Stabe, the agreed preliminary
10:10:26 5 order that you sent me, the first revised, has it been revised
6 since?

7 MS. STABE: No. The only thing I changed was the date
8 at the top on the very front. It had originally said April 5th;
9 and I changed it to say April 6th. So, it's just that front
10:10:41 10 page.

11 THE COURT: All right. If there is nothing else,
12 we'll see you back here for sentencing. Everyone is excused.
13 Thank you.

14 (Proceedings concluded at 10:10 a.m.)
15
16

17 C E R T I F I C A T E
18

19 I certify that the foregoing is a correct transcript
20 from the record of proceedings in the above-entitled matter, to
21 the best of my ability.
22

23 By: /s/ Gayle L. Dye 08-17-2022

24 Gayle L. Dye, CSR, RDR, CRR Date
25

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